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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

MDL No. 3:10-MD-02143-RS-JCS
Case No. 3:13-cv-05372-RS

This document relates to:

INGRAM MICRO INC. AND SYNNEX CORPORATION.

Plaintiffs.

V.

LG ELECTRONICS, INC., et al.,

Defendants.

Judge Richard Seeborg

**STIPULATION AND [PROPOSED]
ORDER CONTINUING HEARING ON
DEFENDANTS' JOINT MOTION TO
DISMISS AND EXTENDING TIME TO
FILE FIRST AMENDED COMPLAINT**

**STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON DEFECTIVE
EXTENDING TIME TO FILE FIRST AMENDED COMPLAINT**

1 Plaintiffs and Defendants, through the undersigned counsel, request that the Court enter
2 the following order to continue the hearing date and briefing dates on Defendants' Joint Motion
3 to Dismiss, extend Plaintiff's time to file a first amended complaint, and extend Defendants'
4 time to answer or otherwise respond to that first amended complaint.

5 WHEREAS, on October 25, 2013, Ingram Micro Inc. and Synnex Corporation (together,
6 "Plaintiffs") filed a Complaint for Damages and Injunctive Relief, No. 3:13-cv-05372-RS (Dkt.
7 No. 1) (the "Complaint");

8 WHEREAS, on April 17, 2014, Defendants filed a Joint Motion to Dismiss the
9 Complaint, No. 3:13-cv-05372-RS (Dkt. No. 24) ("Defendants' Motion");

10 WHEREAS, the hearing on Defendants' Motion is currently set for July 10, 2014;

11 WHEREAS, pursuant to the Stipulation and Order Regarding Service of Process entered
12 by the Court on January 24, 2014 (No. 3:13-cv-05372-RS (Dkt. No. 18)), Plaintiffs and
13 Defendants were to present an agreed-upon briefing schedule to the Court no later than May 1,
14 2014, under which Plaintiffs would not be required to respond to Defendants' Motion before
15 June 16, 2014;

16 WHEREAS, in lieu of responding to Defendant's Motion, Plaintiffs wish to amend their
17 Complaint;

18 WHEREAS, Plaintiffs' current deadline to amend their Complaint as a matter of course
19 under Federal Rule of Civil Procedure 15(a)(1) is May 8, 2014;

20 NOW, THEREFORE, it is stipulated by and between the undersigned parties, by their
21 respective attorneys, that:

22 1. Plaintiffs' deadline to amend the Complaint is extended to June 16, 2014. Any
23 such amendment of the Complaint will constitute the Plaintiffs' one amendment as a matter of
24 course under Federal Rule of Civil Procedure 15(a)(1).

25 2. If Plaintiffs file a first amended complaint on or before June 16, 2014:

26 A. Defendants' Motion shall be withdrawn as moot and the hearing on
27 Defendants' Motion vacated.

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1 B. Defendants shall have forty-five (45) days from the filing of such first
2 amended complaint to respond thereto. To the extent any Defendant or Defendants move to
3 dismiss such first amended complaint, the parties shall work in good faith to reach an agreed-
4 upon briefing schedule that they shall present to the Court no later than fourteen (14) days after
5 the filing of the motion.

6 3. If Plaintiffs fail to file a first amended complaint on or before June 16, 2014,
7 Plaintiffs' opposition to Defendants' Motion shall be due on June 20, 2014, and the parties shall
8 work in good faith to reach an agreed-upon schedule for Defendants' reply in support of
9 Defendants' Motion and for the hearing on Defendants' Motion. The hearing on Defendants'
10 Motion shall be continued until such time as may be set pursuant to such agreement.

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12 IT IS SO STIPULATED.

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14 Dated: April 30, 2014

15 Respectfully submitted,

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Pursuant to General Order No. 45, § X-B and Rule 5-1(i)(3) of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, the filer attests that concurrence in the filing of this document has been obtained from each of the above signatories.

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Dated: April 30, 2014

/s/ Michelle L. Visser

Michelle L. Visser

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/6, 2014



Hon. Richard Seeborg
United States District Judge

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